

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

April 23, 2014

Elisabeth A. Shumaker
Clerk of Court

REYNALDO Y. VILLA,

Plaintiff - Appellant,

v.

D.O.C. Warden JAMES FAULKER;
JOHN W. SUTHERS, Attorney General of
the State of Colorado,

Defendants - Appellees.

No. 14-1132
(D.C. No. 1:12-CV-01810-LTB)

ORDER

Before **HARTZ**, **BACHARACH**, and **PHILLIPS**, Circuit Judges.

Mr. Villa is apparently seeking to appeal from the district court's minute order of January 8, 2014 that denied his motion for a procedural due process hearing. His appeal is untimely.

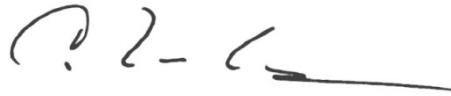
Pursuant to Fed. R. App. P. 4(a)(1)(A) (30 days for filing a notice of appeal in a civil case), Mr. Villa's notice of appeal was due on or before February 7, 2014. Based on the district court's docket sheet, nothing that could be construed as a notice of appeal was filed until April 9, 2014. Mr. Villa did not request an extension of time from the district court to file his notice of appeal and this court cannot grant such an extension. *See* Fed. R. App. P. 4 (a)(5) and *Alva v. Teen Help*, 469 F.3d 946, 950 (10th Cir. 2006) (court of

appeals lacks authority to find excusable neglect and extend the time for filing notice of appeal; only the district court may do so).

Because the notice of appeal was untimely, this court lacks jurisdiction to consider this appeal. *Bowles v. Russell*, 551 U.S. 205 (2007).

APPEAL DISMISSED.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read 'Christine Van Coney', with a long horizontal stroke extending to the right.

by: Christine Van Coney
Counsel to the Clerk